

Message Text

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ORIGIN EB-07

INFO OCT-01 ARA-10 EUR-12 EA-09 NEA-10 IO-13 ISO-00 FEA-01

AGR-10 CEA-01 CIAE-00 COME-00 DODE-00 FRB-01 H-02

INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-02 AID-05

CIEP-02 SS-15 STR-04 ITC-01 TRSE-00 USIA-15 PRS-01

SP-02 OMB-01 /149 R

DRAFTED BY EB/OT/STA:GWHITE:MH

APPROVED BY EB/OT/STA:JSSPIRO

AGRIC:GFRASER

ATF:BDOUGHERTY

STR:BSTEINBOCK (INFO)

COMM:BFITZPATRICK

EUR/RPE:ECASEY

TREAS:PSUCHMAN

----- 058394

P R 311558Z AUG 76

FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

AMEMBASSY BRUSSELS PRIORITY

AMEMBASSY DUBLIN PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY LUXEMBOURG PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY ROME PRIORITY

AMEMBASSY THE HAGUE PRIORITY

AMEMBASSY COPENHAGEN PRIORITY

USMISSION EC BRUSSELS PRIORITY

AMEMBASSY SANTIAGO PRIORITY

AMEMBASSY SOFIA PRIORITY

AMEMBASSY BUCHAREST PRIORITY

AMEMBASSY BUDAPEST PRIORITY

AMEMBASSY LISBON PRIORITY

AMEMBASSY TEL AVIV PRIORITY

AMEMBASSY BELGRADE PRIORITY

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AMEMBASSY MOSCOW PRIORITY

AMEMBASSY MADRID PRIORITY

AMEMBASSY OTTAWA PRIORITY

AMEMBASSY MEXICO CITY PRIORITY

AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY VIENNA PRIORITY
AMEMBASSY ATHENS PRIORITY
AMEMBASSY CANBERRA PRIORITY
AMEMBASSY BRASILIA PRIORITY
AMEMBASSY BERN PRIORITY
AMEMBASSY TOKYO PRIORITY
INFO USDEL MTN GENEVA

UNCLAS STATE 215593

E.O. 11652: N/A

TAGS: ETRD, EC

SUBJECT: TREASURY PROPOSED RULEMAKING ON THE CERTIFICATION
OF WINE IMPORTS
REF: STATE 214790

1. AS INDICATED IN REFTEL, WE ARE TRANSMITTING THE
TEXT OF TREASURY'S PROPOSED RULEMAKING ON THE CERTIFICA-
TION OF WINE IMPORTS. BEGIN TEXT:

CERTIFICATES OF ORIGIN, IDENTITY, AND ANALYSIS

NOTICE OF PROPOSED RULEMAKING

THE DIRECTOR OF THE BUREAU OF ALCOHOL, TOBACCO AND FIRE-
ARMS, WITH THE APPROVAL OF THE SECRETARY OF THE TREASURY,
IS CONSIDERING RULEMAKING WITH RESPECT TO 27 CFR PART 4,
LABELING AND ADVERTISING OF WINE REGULATIONS, TO
REQUIRE, AS A CONDITION FOR RELEASE OF IMPORTED WINE
FROM CUSTOMS CUSTODY FOR CONSUMPTION, A FULL AND ACCURATE
CERTIFICATE OF ORIGIN, IDENTITY, AND ANALYSIS. AT THE
OPTION OF THE PRODUCER, IN LIEU OF THE FILING OF A CER-
TIFICATE AS STATED ABOVE, ATF MAY BE INVITED TO INSPECT
THE PRODUCERS RECORDS AND OPERATIONS FOR COMPLIANCE.
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THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS HAS SIGNIFICANT
RESPONSIBILITIES, IMPOSED BY THE FEDERAL ALCOHOL ADMINIS-
TRATION ACT, TO PREVENT CONSUMER DECEPTION. RECENTLY WE
HAVE BECOME AWARE OF THE NEED FOR FURTHER PROTECTION WITH
RESPECT TO THE CONTENTS OF WINES BOTTLED ABROAD. THE
EXISTING BUREAU REGULATIONS UNDER THE FEDERAL ALCOHOL
ADMINISTRATION ACT (27 CFR PART 4, LABELING AND ADVERTISING
OF WINE) DO NOT APPEAR TO PROVIDE ADEQUATE PROTECTION TO
THE CONSUMER AGAINST MISLABELING OF IMPORTED WINE,
PARTICULARLY AS TO THE ORIGIN AND CONTENTS.

IN ORDER TO ASSURE COMPLIANCE WITH ITS RESPONSIBILITIES
FOR INSURING THE ACCURACY OF LABELED INFORMATION ON

DOMESTICALLY PRODUCED WINE, ATF INSPECTS DOMESTIC WINE PRODUCERS' FACILITIES, BOOKS AND RECORDS. HOWEVER, AS TO IMPORTED WINES, 27 CFR 4.45 PRESENTLY REQUIRES A CERTIFICATE OF ORIGIN AND IDENTITY ISSUED BY A DULY AUTHORIZED OFFICIAL OF THE APPROPRIATE FOREIGN GOVERNMENT REGULATING THE PRODUCTION OF SUCH WINE FOR HOME CONSUMPTION, ONLY IF THE ISSUANCE OF SUCH CERTIFICATES HAS BEEN AUTHORIZED BY THAT GOVERNMENT.

THE PROPOSED AMENDED CERTIFICATE OF ORIGIN, IDENTITY, AND ANALYSIS WOULD PLACE DOMESTIC AND IMPORTED WINE ON AN EQUAL FOOTING. THE CERTIFICATE WOULD APPLY TO FOREIGN PRODUCERS REGARDLESS OF WHETHER THEIR GOVERNMENTS HAD AUTHORIZED SUCH CERTIFICATES, AND WOULD BE IN LIEU OF ATF INSPECTION OF THEIR FACILITIES, BOOKS AND RECORDS. THIS INFORMATION WOULD BE REQUIRED FOR IMPORTATIONS OF WINE IN LOTS OF MORE THAN FIVE CASES, INTENDED FOR CONSUMPTION IN THE UNITED STATES. THE FOREIGN PRODUCER WOULD BE RELIEVED OF THIS REQUIREMENT IF HE INVITED ATF TO INSPECT HIS FACILITIES, BOOKS AND RECORDS. EFFECTIVE GOVERNMENTAL CONTROL OF WINE LABELING PRACTICES, IN THE UNITED STATES OR ABROAD, DEPENDS UPON ON-SITE INSPECTIONS, CERTIFYING THAT U.S. STATUTORY REQUIREMENTS CONCERNING PACKAGING, MARKING, BRANDING, AND LABELING HAVE BEEN COMPLIED WITH, THAT THE WINE CONTAINS NO SUBSTANCES DEEMED INJURIOUS TO THE HEALTH BY THE FOOD AND DRUG ADMINISTRATION, AND THAT ENOLOGICAL PRACTICES PROHIBITED IN THE U.S.

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WERE NOT USED IN THE PRODUCTION OF THE WINE. THE LATTER REQUIREMENT, HOWEVER, WILL BE FLEXIBLE ENOUGH TO ALLOW, BY WAIVER, FOR ENOLOGICAL PRACTICES TRADITIONALLY USED BY FOREIGN COUNTRIES TO CONTINUE TO BE USED UPON A SHOWING THAT SUCH USE PRESENTS NO HEALTH IMPLICATIONS.

THE PROPOSED CERTIFICATE OF ORIGIN, IDENTITY AND ANALYSIS

WOULD REQUIRE THAT: (1) WINE LABELED WITH A GRAPE TYPE DESIGNATION WAS PRODUCED FROM AT LEAST 51 PERCENT OF THE PARTICULAR VARIETY OF GRAPE INDICATED BY SUCH DESIGNATION, AND THAT THE PREDOMINANT TASTE, AROMA, AND OTHER CHARACTERISTICS WERE DERIVED FROM SUCH GRAPES; (2) IN THE CASE OF NONVINTAGE WINE LABELED WITH AN APPELLATION OF ORIGIN, THAT SUCH WINE WAS PRODUCED FROM GRAPES AT LEAST 75 PERCENT OF WHICH WERE GROWN IN THE APPELLATION AREA; AND (3) IN THE CASE OF VINTAGE WINE LABELED WITH A VITICULTURAL AREA, THAT SUCH WINE WAS PRODUCED FROM GRAPES AT LEAST 95 PERCENT OF WHICH WERE GROWN IN THAT VITICULTURAL AREA DURING THAT VINTAGE YEAR.

FURTHERMORE, THE CERTIFICATE WOULD LIST ALL FLAVORS (INCLUDING NATURE-IDENTICAL FLAVORS), COLORS, AND

PROCESSING AIDS USED IN THE PRODUCTION OF WINE, AND, WHERE CONSIDERED NECESSARY TO ENFORCE THE PROVISIONS OF THE F.A.A. ACT, WOULD INFORMATION AS TO THE ANALYSIS OF THE FOLLOWING CONSTITUENTS: (1) RESIDUAL SUGAR; (2) ALCOHOL CONTENT; (3) TOTAL SOLIDS; (4) TOTAL CARBON DIOXIDE; (5) VOLATILE ACID; (6) TOTAL SULFUR DIOXIDE; (7) EXTRACT; (8) FIXED ACID.

PERSONS WHO WISH TO PARTICIPATE IN THE RULEMAKING PROCESS ARE INVITED TO SUBMIT WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED REGULATORY CHANGE. THE WRITTEN MATERIAL SHOULD BE SUBMITTED, IN DUPLICATE, TO THE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, WASHINGTON, D.C. 20226 (ATTN: CHIEF, REGULATIONS AND PROCEDURES DIVISION) BY OCTOBER 29, 1976. THE PROVISIONS OF 27 CFR 71.31(B) SHALL APPLY WITH RESPECT TO THE DESIGNATION OF PORTIONS OF COMMENTS AS EXEMPT FROM DISCLOSURE, MAY BE INSPECTED BY ANY PERSON UPON COMPLIANCE WITH 27 CFR 71.22. ANY UNCLASSIFIED

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INTERESTED PERSON SUBMITTING COMMENTS OR SUGGESTIONS WHO DESIRES AN OPPORTUNITY TO COMMENT ORALLY AT A PUBLIC HEARING ON THESE PROPOSED REGULATIONS SHOULD SUBMIT HIS/HER REQUEST, IN WRITING, TO THE DIRECTOR BY OCTOBER 29, 1976.

THE PROPOSED REGULATIONS ARE TO BE ISSUED UNDER THE AUTHORITY CONTAINED IN SECTION 27 U.S.C. 205 (49 STAT. 981, AS AMENDED.

IN CONSIDERATION OF THE FOREGOING, IT IS PROPOSED THAT 27 CFR 4.45, CERTIFICATES OF ORIGIN AND IDENTITY, BE AMENDED TO READ AS FOLLOWS:

4.45 CERTIFICATES OF ORIGIN, IDENTITY AND ANALYSIS.

(A) ORIGIN. IMPORTED WINE IN LOTS OF MORE THAN FIVE CASES SHALL NOT BE RELEASED FROM CUSTOMS CUSTODY UNLESS THE

INVOICE IS ACCOMPANIED BY A CERTIFICATE OR ORIGIN, IDENTITY

AND ANALYSIS CERTIFIED BY A DULY AUTHORIZED OFFICIAL (SUBJECT TO ATF CONCURRENCE) OF THE APPROPRIATE FOREIGN GOVERNMENTAL AGENCY VESTED WITH THE AUTHORITY TO PERFORM ON-SITE INSPECTIONS. THE CERTIFICATE SHALL STATE THAT (1) THE WINE HAS BEEN PRODUCED IN COMPLIANCE WITH THE LAWS AND REGULATIONS OF THE APPROPRIATE FOREIGN GOVERNMENT REGULATING THE PRODUCTION OF WINE FOR HOME CONSUMPTION, HAS BEEN PACKAGED, MARKED, BRANDED AND LABELED IN COMPLIANCE WITH THE FEDERAL ALCOHOL ADMINISTRATION ACT AND REGULATIONS PROMULGATED THEREUNDER, AND HAS NOT BEEN SUBJECTED TO ENOLOGICAL PRACTICES WHICH ARE PROHIBITED

BY U.S. REGULATIONS; (2) THE WINE CONTAINS NO SUBSTANCE WHICH THE FOOD AND DRUG ADMINISTRATION HAS DETERMINED TO BE INJURIOUS TO HEALTH; (3) WINE LABELED WITH A GRAPE TYPE DESIGNATION WAS PRODUCED FROM AT LEAST 51 PERCENT OF THE PARTICULAR VARIETY OF GRAPE INDICATED BY SUCH DESIGNATION, AND THAT THE PREDOMINANT TASTE, AROMA, AND OTHER CHARACTERISTICS WERE DERIVED FROM SUCH GRAPES; (4) NON-VINTAGE WINE LABELED WITH AN APPELLATION OF ORIGIN WAS PRODUCED FROM GRAPES AT LEAST 75 PERCENT OF WHICH WERE UNCLASSIFIED

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GROWN IN THE APPELLATION AREA; AND (5) VINTAGE WINE LABELED WITH A VITICULTURAL AREA WAS PRODUCED FROM GRAPES AT LEAST 95 PERCENT OF WHICH WERE GROWN IN THAT VITICULTURAL AREA DURING THAT VINTAGE YEAR.

(B) IDENTITY. THE CERTIFICATE SHALL ALSO LIST, BY THEIR COMMON AND USUAL NAMES, ALL FLAVORS, COLORS, AND PROCESSING AIDS USED IN THE PRODUCTION OF WINE. SYNTHETIC OR ARTIFICIAL COLORS AND FLAVORS SHALL BE LISTED AS SUCH, EVEN IF NATURE-IDENTICAL.

(C) ANALYSIS. WHERE IT IS CONSIDERED NECESSARY FOR THE ENFORCEMENT OF PROVISIONS OF THE F.A.A. ACT, A CERTIFICATE OF ANALYSIS CONTAINING THE FOLLOWING INFORMATION MAY BE REQUIRED:

(1) RESIDUAL SUGAR EXPRESSED AS MG./100 ML;

(2) ALCOHOL CONTENT EXPRESSED AS PERCENT BY VOLUME, (7 PERCENT MINIMUM AND 24 PERCENT MAXIMUM); (3) TOTAL SOLIDS - EXPRESSED AS GRAMS PER 100 CUBIC CENTIMETERS, (22 GR./100CC. MAXIMUM); (4) TOTAL CARBON DIOXIDE - EXPRESSED AS GRAMS CARBON DIOXIDE PER 100 MILLILITERS, (.393 GR. CO₂/100 ML. MAXIMUM FOR STILL WINE); (5) VOLATILE ACID - EXPRESSED AS GRAMS OF VOLATILE ACID PER 100 CUBIC CENTIMETERS CALCULATED AS ACETIC AND EXCLUSIVE OF SULFUR DIOXIDE, (0.14 PERCENT MAXIMUM FOR ALL WINES). (6) TOTAL SULFUR

DIOXIDE - EXPRESSED AS PARTS PER MILLION, (350 PPM. MAXIMUM FOR ALL WINES); (7) EXTRACT - EXPRESSED AS GRAMS PER 100 MILLILITERS (1.7 GR./100 ML. MINIMUM FOR WHITE WINE AND 1.8 GR./100 ML. FOR RED WINE); (8) FIXED ACID - EXPRESSED AS GRAMS PER 100 MILLILITERS, (TOTAL ACID LESS VOLATILE ACID AND CALCULATED AS TARTARIC, EIGHT PARTS PER THOUSAND MAXIMUM CALCULATED AS TARTARIC IF THE WINE ACID HAS BEEN CORRECTED AND FIVE PARTS PER THOUSAND MINIMUM IF THE VOLATILE ACID AND CALCULATED AS TARTARIC. EIGHT PARTS PER THOUSAND MAXIMUM CALCULATED AS TARTARIC IF THE WINE ACID HAS BEEN CORRECTED AND FIVE PARTS PER THOUSAND MINIMUM IF THE WINE HAS BEEN AMELIORATED).

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(D) EXCEPTION. (1) IMPORTED WINE IN LOTS OF MORE THAN FIVE CASES MAY BE RELEASED FROM CUSTOMS CUSTODY WITHOUT THE CERTIFICATE REQUIRED BY THIS SECTION IF ACCOMPANIED BY A STATEMENT SIGNED BY A PERSON WHO HAS AUTHORITY TO AUTHORIZE ATF OFFICERS THE RIGHT OF ENTRY TO THE PREMISES OF THE PRODUCING OR BOTTLING WINERY, AS THE CASE MAY BE, AND THE RIGHT TO EXAMINE THE RECORDS THEREOF FOR THE PURPOSE OF ENSURING THAT SUCH WINE MEETS THE ORIGIN AND IDENTITY REQUIREMENTS OF THIS SECTION; (2) IN LIEU OF AN INDIVIDUAL STATEMENT ACCOMPANYING OR BEING FILED TO COVER EACH LOT OF WINE, A CONTINUING STATEMENT OF AUTHORIZATION MAY BE FILED WITH ATF; (3) UPON PETITION OF THE APPROPRIATE FOREIGN GOVERNMENT, A WAIVER MAY BE GIVEN BY ATF TO ALLOW THE USE OF ENOLOGICAL PRACTICES PROHIBITED IN THIS COUNTRY, PROVIDED THAT SUCH PRACTICES ARE TRADITIONALLY USED IN THAT COUNTRY AND PRESENT NO HEALTH IMPLICATIONS.

SIGNED: AUGUST 13, 1976 REX D. DAVIS, DIRECTOR

APPROVED: AUGUST 23, 1976

ASSISTANT SECRETARY OF THE TREASURY ROBINSON

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ORIGIN EB-07

INFO OCT-01 EUR-12 NEA-10 ISO-00 AGR-10 STR-04 COME-00

TRSE-00 AGRE-00 /044 R

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DRAFTED BY: EB/OT/STA:GWHITE

APPROVED BY: EB/OT/STA:JSSPIRO

AGRIC:GFRASER

STR:BSTEINBOCK (INFO)

EUR/RPE:ECASEY

ATF:BDOUGHERTY

COMM:BFITZPATRICK

TREAS:PSUCHMAN

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P 102012Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY ANKARA PRIORITY

AMEMBASSY RABAT PRIORITY

AMEMBASSY TUNIS PRIORITY

UNCLAS STATE 215593

REF: STATE 214790

FOLLOWING REPEAT STATE 215593 ACTION BONN BRUSSELS DUBLIN
LONDON LUXEMBOURG PARIS ROME THE HAGUE COPENHAGEN EC BRUSSELS
SANTIAGO SOFIA BUCHAREST BUDAPEST LISBON TEL AVIV BELGRADE
MOSCOW MADRID OTTAWA MEXICO BUENOS AIRES VIENNA ATHENS CANBERRA
BRASILIA BERN TOKYO INFO MTN GENEVA DTD 31 AUG

QTE

UNCLAS STATE 215593

E.O. 11652: N/A

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IN ORDER TO ASSURE COMPLIANCE WITH ITS RESPONSIBILITIES FOR INSURING THE ACCURACY OF LABELED INFORMATION ON DOMESTICALLY PRODUCED WINE, ATF INSPECTS DOMESTIC WINE PRODUCERS' FACILITIES, BOOKS AND RECORDS. HOWEVER, AS TO IMPORTED WINES, 27 CFR 4.45 PRESENTLY REQUIRES A CERTIFICATE OF ORIGIN AND IDENTITY ISSUED BY A DULY AUTHORIZED OFFICIAL OF THE APPROPRIATE FOREIGN GOVERN-
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MENT REGULATING THE PRODUCTION OF SUCH WINE FOR HOME CONSUMPTION, ONLY IF THE ISSUANCE OF SUCH CERTIFICATES HAS BEEN AUTHORIZED BY THAT GOVERNMENT.

THE PROPOSED AMENDED CERTIFICATE OF ORIGIN, IDENTITY, AND ANALYSIS WOULD PLACE DOMESTIC AND IMPORTED WINE ON AN EQUAL FOOTING. THE CERTIFICATE WOULD APPLY TO FOREIGN PRODUCERS REGARDLESS OF WHETHER THEIR GOVERNMENTS HAD AUTHORIZED SUCH CERTIFICATES, AND WOULD BE IN LIEU OF ATF INSPECTION OF THEIR FACILITIES, BOOKS AND RECORDS. THIS INFORMATION WOULD BE REQUIRED FOR IMPORTATIONS OF WINE IN LOTS OF MORE THAN FIVE CASES, INTENDED FOR CONSUMPTION IN THE UNITED STATES. THE FOREIGN PRODUCER WOULD BE RELIEVED OF THIS REQUIREMENT IF HE INVITED ATF TO INSPECT HIS FACILITIES, BOOKS AND RECORDS. EFFECTIVE GOVERNMENTAL CONTROL OF WINE LABELING PRACTICES, IN THE UNITED STATES OR ABROAD, DEPENDS UPON ON-SITE INSPECTIONS, CERTIFYING THAT U.S. STATUTORY REQUIREMENTS CONCERNING PACKAGING, MARKING, BRANDING, AND LABELING HAVE BEEN COMPLIED WITH, THAT THE WINE CONTAINS NO SUBSTANCES DEEMED INJURIOUS TO THE HEALTH BY THE FOOD AND DRUG ADMINISTRATION, AND THAT ENOLOGICAL PRACTICES PROHIBITED IN THE U.S. WERE NOT USED IN THE PRODUCTION OF THE WINE. THE LATTER REQUIREMENT, HOWEVER, WILL BE FLEXIBLE ENOUGH TO ALLOW, BY WAIVER, FOR ENOLOGICAL PRACTICES TRADITIONALLY USED BY FOREIGN COUNTRIES TO CONTINUE TO BE USED UPON A SHOWING THAT SUCH USE PRESENTS NO HEALTH IMPLICATIONS.

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AREA DURING THAT VINTAGE YEAR.

FURTHERMORE, THE CERTIFICATE WOULD LIST ALL FLAVORS
(INCLUDING NATURE-IDENTICAL FLAVORS), COLORS, AND
PROCESSING AIDS USED IN THE PRODUCTION OF WINE, AND,
WHERE CONSIDERED NECESSARY TO ENFORCE THE PROVISIONS OF
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BY OCTOBER 29, 1976. THE PROVISIONS OF 27 CFR 71.31(B)
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DESIRES AN OPPORTUNITY TO COMMENT ORALLY AT A PUBLIC
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THE PROPOSED REGULATIONS ARE TO BE ISSUED UNDER THE
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SHALL NOT BE RELEASED FROM CUSTOMS CUSTODY UNLESS THE

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INVOICE IS ACCOMPANIED BY A CERTIFICATE OR ORIGIN, IDENTITY
AND ANALYSIS CERTIFIED BY A DULY AUTHORIZED OFFICIAL

(SUBJECT TO ATF CONCURRENCE) OF THE APPROPRIATE FOREIGN GOVERNMENTAL AGENCY VESTED WITH THE AUTHORITY TO PERFORM ON-SITE INSPECTIONS. THE CERTIFICATE SHALL STATE THAT

(1) THE WINE HAS BEEN PRODUCED IN COMPLIANCE WITH THE LAWS AND REGULATIONS OF THE APPROPRIATE FOREIGN GOVERNMENT REGULATING THE PRODUCTION OF WINE FOR HOME CONSUMPTION, HAS BEEN PACKAGED, MARKED, BRANDED AND LABELED IN COMPLIANCE WITH THE FEDERAL ALCOHOL ADMINISTRATION ACT AND REGULATIONS PROMULGATED THEREUNDER, AND HAS NOT BEEN SUBJECTED TO ENOLOGICAL PRACTICES WHICH ARE PROHIBITED BY U.S. REGULATIONS; (2) THE WINE CONTAINS NO SUBSTANCE WHICH THE FOOD AND DRUG ADMINISTRATION HAS DETERMINED TO BE INJURIOUS TO HEALTH; (3) WINE LABELED WITH A GRAPE TYPE DESIGNATION WAS PRODUCED FROM AT LEAST 51 PERCENT OF THE PARTICULAR VARIETY OF GRAPE INDICATED BY SUCH DESIGNATION, AND THAT THE PREDOMINANT TASTE, AROMA, AND OTHER CHARACTERISTICS WERE DERIVED FROM SUCH GRAPES; (4) NON-VINTAGE WINE LABELED WITH AN APPELLATION OF ORIGIN WAS PRODUCED FROM GRAPES AT LEAST 75 PERCENT OF WHICH WERE GROWN IN THE APPELLATION AREA; AND (5) VINTAGE WINE LABELED WITH A VITICULTURAL AREA WAS PRODUCED FROM GRAPES AT LEAST 95 PERCENT OF WHICH WERE GROWN IN THAT VITICULTURAL AREA DURING THAT VINTAGE YEAR.

(B) IDENTITY. THE CERTIFICATE SHALL ALSO LIST, BY THEIR COMMON AND USUAL NAMES, ALL FLAVORS, COLORS, AND PROCESSING AIDS USED IN THE PRODUCTION OF WINE. SYNTHETIC OR ARTIFICIAL COLORS AND FLAVORS SHALL BE LISTED AS SUCH, EVEN IF NATURE-IDENTICAL.

(C) ANALYSIS. WHERE IT IS CONSIDERED NECESSARY FOR THE ENFORCEMENT OF PROVISIONS OF THE F.A.A. ACT, A CERTIFICATE OF ANALYSIS CONTAINING THE FOLLOWING INFORMATION MAY BE REQUIRED:

(1) RESIDUAL SUGAR EXPRESSED AS MG./100 ML;

(2) ALCOHOL CONTENT EXPRESSED AS PERCENT BY VOLUME, (7 PER-UNCLASSIFIED

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CENT MINIMUM AND 24 PERCENT MAXIMUM); (3) TOTAL SOLIDS - EXPRESSED AS GRAMS PER 100 CUBIC CENTIMETERS, (22 GR./100CC. MAXIMUM); (4) TOTAL CARBON DIOXIDE - EXPRESSED AS GRAMS CARBON DIOXIDE PER 100 MILLILITERS, (.393 GR. CO₂/100 ML. MAXIMUM FOR STILL WINE); (5) VOLATILE ACID - EXPRESSED AS GRAMS OF VOLATILE ACID PER 100 CUBIC CENTIMETERS CALCULATED AS ACETIC AND EXCLUSIVE OF SULFUR DIOXIDE, (0.14 PERCENT MAXIMUM FOR ALL WINES). (6) TOTAL SULFUR

DIOXIDE - EXPRESSED AS PARTS PER MILLION, (350 PPM. MAXIMUM FOR ALL WINES); (7) EXTRACT - EXPRESSED AS GRAMS PER 100 MILLILITERS (1.7 GR./100 ML. MINIMUM FOR WHITE

WINE AND 1.8 GR./100 ML. FOR RED WINE); (8) FIXED ACID - EXPRESSED AS GRAMS PER 100 MILLILITERS, (TOTAL ACID LESS VOLATILE ACID AND CALCULATED AS TARTARIC, EIGHT PARTS PER THOUSAND MAXIMUM CALCULATED AS TARTARIC IF THE WINE ACID HAS BEEN CORRECTED AND FIVE PARTS PER THOUSAND MINIMUM IF THE VOLATILE ACID AND CALCULATED AS TARTARIC. EIGHT PARTS PER THOUSAND MAXIMUM CALCULATED AS TARTARIC IF THE WINE ACID HAS BEEN CORRECTED AND FIVE PARTS PER THOUSAND MINIMUM IF THE WINE HAS BEEN AMELIORATED).

(D) EXCEPTION. (1) IMPORTED WINE IN LOTS OF MORE THAN FIVE CASES MAY BE RELEASED FROM CUSTOMS CUSTODY WITHOUT THE CERTIFICATE REQUIRED BY THIS SECTION IF ACCOMPANIED BY A STATEMENT SIGNED BY A PERSON WHO HAS AUTHORITY TO AUTHORIZE ATF OFFICERS THE RIGHT OF ENTRY TO THE PREMISES OF THE PRODUCING OR BOTTLING WINERY, AS THE CASE MAY BE, AND THE RIGHT TO EXAMINE THE RECORDS THEREOF FOR THE PURPOSE OF ENSURING THAT SUCH WINE MEETS THE ORIGIN AND IDENTITY REQUIREMENTS OF THIS SECTION; (2) IN LIEU OF AN INDIVIDUAL STATEMENT ACCOMPANYING OR BEING FILED TO COVER EACH LOT OF WINE, A CONTINUING STATEMENT OF AUTHORIZATION MAY BE FILED WITH ATF; (3) UPON PETITION OF THE APPROPRIATE FOREIGN GOVERNMENT, A WAIVER MAY BE GIVEN BY ATF TO ALLOW THE USE OF ENOLOGICAL PRACTICES PROHIBITED IN THIS COUNTRY, PROVIDED THAT SUCH PRACTICES ARE TRADITIONALLY USED IN THAT COUNTRY AND PRESENT NO HEALTH IMPLICATIONS.

SIGNED: AUGUST 13, 1976 REX D. DAVIS, DIRECTOR
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APPROVED: AUGUST 23, 1976

ASSISTANT SECRETARY OF THE TREASURY ROBINSON UNQTE
KISSINGER

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